

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

CYRUS CORNELIUS FUDGE,)
Petitioner,)
v.) Case No. CV410-102
THE ATTORNEY GENERAL OF)
THE STATE OF GEORGIA,)
Respondent.)

REPORT AND RECOMMENDATION

Cyrus Cornelius Fudge is currently confined in Washington State Prison, in Davisboro, Georgia. (Doc. 1.) He has filed a 28 U.S.C. § 2254 petition attacking a 1995 Tift County, Georgia conviction for murder. (*Id.*) Both Davisboro and Tift County are within the jurisdiction of the United States District Court for the Middle District of Georgia. 28 U.S.C. § 90(b)(6) (Tift County lies within the Valdosta Division of the Middle District); 28 U.S.C. § 90(b)(2) (Washington County, where petitioner is presently incarcerated, lies within the Macon Division). Fudge has no connection to this District whatsoever, so his case should

be transferred to the United States District Court for the Middle District of Georgia. *See* 28 U.S.C. § 1406(a) (permitting a district court to transfer a case “laying venue in the wrong division” to “any district or division in which it could have been brought.”). Since the underlying criminal case arose in the Valdosta Division, the Court is persuaded that Valdosta is the most appropriate venue for litigating this matter. Accordingly, this case should be transferred to the Valdosta Division of the United States District Court for the Middle District of Georgia for all further proceedings.

SO REPORTED AND RECOMMENDED this 3rd day of May, 2010.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT of GEORGIA